IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4548 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

LALJIBHAI R SOLANKI

Versus

AMBALAL SARABHAI ENTERPRISES

Appearance:

1. Special Civil Application No. 4548 of 1993

MR NR SHAHANI for Petitioner No. 1-2/4

NANAVATI ASSOCIATES for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 08/10/2004

ORAL JUDGEMENT

Leave to amend the cause title.

2. With respect to petitioner No.2, the parties had

arrived at a settlement and the heirs of petitioner No.2 workman have been paid an amount of Rs.35,000/- by an account payee cheque, which has been handed over to petitioner No.2/3, who is present in the Court today, which the heirs have accepted as full and final settlement under the award. Thus the cause with respect to petitioner No.2 does not survive.

3. So far as petitioner No.1 is concerned, it is not in dispute that during the pendency of this petition, he is reinstated in service and reengaged in the original capacity of that of Peon but posted at Ahmedabad. Counsel for the respondent has assured petitioner No.1 that he will be transferred to Vadodara latest by December 31, 2007. It is also agreed that his past services including that of the intervening period from the date of termination till actual reinstatement will be taken into account notionally for seniority and other retiral benefits without giving any actual wages for the said period. To the apprehension voiced by the counsel for the petitioner No.1 with respect to the possible disparity in the wages between the staff at Vadodara and Ahmedabad, it is conveyed to the Court by the counsel for the respondent that so far the Company has maintained uniform wage structure and the same is unlikely to be disturbed in near future also. It is, therefore, expected that in case the Vadodara Staff receive any increments in the salary, the case of the petitioner No.1 will also be borne in mind by the Management for a similar treatment.

4. On the above understanding between the parties, and the disputes having been settled between the parties, the counsel for the petitioners requests that the petition be disposed of accordingly.

5. In view of the above settlement, the petition stands disposed of. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)
(vjn)